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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALEX MACHADO,

1:10-cv-00434-AWI-GSA-PC

Plaintiff,

ORDER GRANTING MOTION TO
REOPEN CASE
(Docs. 29, 33, 34, 35, 36.)

vs.

KELLY HARRINGTON, et al.,

ORDER DIRECTING CLERK TO REOPEN CASE

Defendants.

_____ /

Plaintiff is a prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint initiating this action on May 11, 2010. (Doc. 1.) The action was dismissed under Rule 41 on January 14, 2011, pursuant to Plaintiff's motion to dismiss filed on January 11, 2011. (Doc. 25.)

On February 3, 2011, Plaintiff began filing motions to reopen the case. (Docs. 27, 29, 33, 34, 35, 36, 37.) Plaintiff maintains that he never meant to dismiss the action and the motion to dismiss was filed inadvertently due to a miscommunication between Plaintiff and another inmate assisting him with litigation of the case. Plaintiff has presented evidence via a declaration by the other inmate explaining how the error was made.

Good cause having been presented to the court, and GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED that:

- 1. Plaintiff's motion to reopen this case is GRANTED; and
- 2. The Clerk is DIRECTED to reopen this case.

IT IS SO ORDERED.

Dated: March 31, 2011



CHIEF UNITED STATES DISTRICT JUDGE